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EXAMINER	
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2616	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/650,106	WIEDEMAN ET AL.	
	Examiner	Art Unit	
	CHRISTOPHER P. GREY	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 April 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,7-12,14-19,21-28,30 and 31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,7-12,14-19,21-28,30 and 31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-5, 7-12, 14-19, 21-28 and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan et al. (US5027343) in view of Raj et al. (US6373822) and the applicants admitted prior art (AAPA).

Regarding Claim 1, Chan discloses a first VLAN **(see Col 4 line 62, which shows that the connection between local and remote sites supports a virtual connection, where the local site and virtual connection associated with it is equivalent to a first VLAN)** capable **(Note: it has been held that the recitation that an element is capable of performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense)** switch **(fig 8, 25, where within the local site exists a switch and also fig 1, 31 and 23, where Col. 5 lines 23-30 indicate that the interface acts as a switch to the packet network. Also the relay portion 31 is equivalent to a switch)** located at a local site **(fig 8, 25, see switch, where each site has a switch or terminal Col 4 lines 55-60, switching network)**

a first uniquely identified system under test **(fig 1, 29)** located at the local site **(fig 1, where element 29 is capable of being the tester and the SUT, and is a replica of the SUT shown at the remote site in element 30, and the abstract specifically states that the test**

access interface is connected to an SUT or tester, where a remote site is capable of performing the testing and the local site is capable of receiving the testing) and connected to the first VLAN capable switch **(fig 1, where 29 and 31 are connected, 29 being the SUT and 31 being the switch)**

a second VLAN **(see Col 4 line 62, which shows that the connection between local and remote sites supports a virtual connection, where the remote site and virtual connection associated with it is equivalent to a first VLAN)** capable **(Note: it has been held that the recitation that an element is capable of performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense)** switch **(fig 1, 24 and 32, where Col. 5 lines 23-30 indicate that the interface acts as a switch to the packet network)** located at a remote site **(fig 1, see 26 note remote site)**;

a second uniquely identified SUT **(fig 1, see SUT at remote site)** located at the remote site **(fig 8, see SUT's in 2nd and 3rd remote site)** and connected to the second VLAN capable switch **(fig 1, where the SUT 35 is connected to the switch 24/32)**.

such that the first and second SUT's (fig 8, 46 and 47) are tested and software is configured **(Col 10 lines 15-17, software is configured)** while operating together on the VLAN **(both SUT's are connected to the local site via a virtual connection as disclosed within Col 4 line 62).**

Chan does not specifically disclose such that the first and second SUT's are dynamically connected to and disconnected from a VLAN and a local burn rack located at the local site for

receiving the first SUT and a remote burn rack located at the remote site for receiving the second SUT.

Raj discloses such that the first and second SUTs (200A and 200B in the figs) are dynamically **(figs 7-11 and Col 6 lines 66-67 show a number of different configurations that may be employed fro the connection/disconnection. The number of configurations indicate that the connection may vary, and is thus dynamic depending on a designers choice)** connected to and disconnected from a VLAN **(fig 12, depicts two switches under test, connected as 200A and 200B, where these two switches form virtual connections, where one skilled in the art can appreciate two switches coming together to form a virtual LAN).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the test access system configuration of Chan, as taught by Raj, since stated in the abstract, that such a modification is used to assist in performing testing across different network topology

The combined teachings of Chan and Raj do not specifically disclose a local burn rack located at the local site for receiving the first SUT and a remote burn rack located at the remote site for receiving the second SUT

The AAPA discloses a local burn rack located at the local site **(see Chan for local site)** for receiving the first SUT and a remote burn rack located at the remote site **(see Chan for remote site)** for receiving the second SUT **(page 2, lines 7-13, which discusses a burn rack for testing, where the SUT is disposed within).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the combined teachings of Chan and Raj, as taught by the

AAPA, since stated on page 2, lines 12, that such a modification supports various diagnostic testing which is to be performed.

Regarding Claim 2, The combined teachings of Chan and Raj do not specifically disclose the local site being a manufacturing facility.

The AAPA discloses the local site being a manufacturing facility **(page 2 lines 8-10 show a manufacturing environment for testing).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the combined teachings of Chan and Raj, as taught by the AAPA, since stated on page 2, lines 12, that such a modification supports various diagnostic testing which is to be performed.

Regarding Claim 3, The combined teachings of Chan and Raj do not specifically disclose the remote site being a manufacturing facility.

The AAPA discloses the remote site being a manufacturing facility **(page 2 lines 8-10 show a manufacturing environment for testing).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the combined teachings of Chan and Raj, as taught by the AAPA, since stated on page 2, lines 12, that such a modification supports various diagnostic testing which is to be performed.

Regarding Claim 4, Chan discloses wherein the remote site is a customers site **(col 5, lines 39-32, a DTE connection exists at the remote site)**, where it would have been obvious to one of the ordinary skill in the art at the time of the invention that the DTE is capable of being part of a customer site.

Regarding Claim 5, Chan discloses wherein the remote site is a customer server **(col 5, lines 66-67, where the SUT comprises user or network equipment, where a server falls within that category)**.

Regarding Claim 7, The combined teachings of Chan and Raj do not specifically disclose wherein the VLAN is private.

The applicants admitted prior art discloses wherein the VLAN is private (page 3 lines 1-5).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the combined teachings of Chan and Raj, as taught by the AAPA, since stated on page 2, lines 12, that such a modification supports various diagnostic testing which is to be performed.

Regarding Claim 8, Chan discloses a first VLAN **(see Col 4 line 62, which shows that the connection between local and remote sites supports a virtual connection, where the local site and virtual connection associated with it is equivalent to a first VLAN)** capable **(Note: it has been held that the recitation that an element is capable of performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense)** switch **(fig 8, 25, where within the local site exists a switch and also fig 1, 31 and 23, where Col. 5 lines 23-30 indicate that the interface acts as a switch to the packet network. Also the relay portion 31 is equivalent to a switch)** located at a local site **(fig 8, 25, see switch, where each site has a switch or terminal Col 4 lines 55-60, switching network)**

a plurality of uniquely identified system under test **(fig 8, where remote site 3 has a plurality of SUT's and the local site has a plurality of isdn interfaces, which are replicas of the SUT's)** located at the local site **(fig 1, where element 29 is capable of being the tester and the SUT, and is a replica of the SUT shown at the remote site in element 30, and the abstract specifically states that the test access interface is connected to an SUT or tester, where a remote site is capable of performing the testing and the local site is capable of receiving the testing)** and connected to the first VLAN capable switch **(fig 1, where 29 and 31 are connected, 29 being the SUT and 31 being the switch)**

a second VLAN **(see Col 4 line 62, which shows that the connection between local and remote sites supports a virtual connection, where the remote site and virtual connection associated with it is equivalent to a first VLAN)** capable **(Note: it has been held that the recitation that an element is capable of performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense)** switch **(fig 1, 24 and 32, where Col. 5 lines 23-30 indicate that the interface acts as a switch to the packet network)** located at a remote site **(fig 1, see 26 note remote site)**;

a plurality of second uniquely identified SUT **(fig 8 where remote site 3 has a plurality of SUT's connected)** located at the remote site **(fig 8, see SUT's in 2nd and 3rd remote site)** and connected to the second VLAN capable switch **(fig 1, where the SUT 35 is connected to the switch 24/32)**.

such that the first and second SUT's (fig 8, 46 and 47) are tested and software is configured **(Col 10 lines 15-17, software is configured)** while operating together on the VLAN

(both SUT's are connected to the local site via a virtual connection as disclosed within Col 4 line 62).

Chan does not specifically disclose such that the first and second SUT's are dynamically connected to and disconnected from a VLAN and a local burn rack located at the local site for receiving the plurality of first SUT's and a remote burn rack located at the remote site for receiving the plurality of second SUT's.

Raj discloses such that the first and second SUTs are dynamically **(figs 7-11 and Col 6 lines 66-67 show a number of different configurations that may be employed fro the connection/disconnection. The number of configurations indicate that the connection may vary, and is thus dynamic depending on a designers choice)** connected to and disconnected from a VLAN **(fig 12, depicts two switches under test, connected as 200A and 200B, where these two switches form virtual connections, where one skilled in the art can appreciate two switches coming together to form a virtual LAN).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the test access system configuration of Chan, as taught by Raj, since stated in the abstract, that such a modification is used to assist in performing testing across different network topology

The combined teachings of Chan and Raj do not specifically disclose a local burn rack located at the local site for receiving the first SUT and a remote burn rack located at the remote site for receiving the second SUT

The AAPA discloses a local burn rack located at the local site **(see Chan for local site)** for receiving the plurality of first SUT's and a remote burn rack located at the remote site **(see**

Chan for remote site) for receiving the plurality of second SUT's **(page 2, lines 7-13, which discusses a burn rack for testing, where the SUT is disposed within).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the combined teachings of Chan and Raj, as taught by the AAPA, since stated on page 2, lines 12, that such a modification supports various diagnostic testing which is to be performed.

Regarding Claim 9, The combined teachings of Chan and Raj do not specifically disclose the local site being a manufacturing facility.

The AAPA discloses the local site being a manufacturing facility **(page 2 lines 8-10 show a manufacturing environment for testing).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the combined teachings of Chan and Raj, as taught by the AAPA, since stated on page 2, lines 12, that such a modification supports various diagnostic testing which is to be performed.

Regarding Claim 10, The combined teachings of Chan and Raj do not specifically disclose the remote site being a manufacturing facility.

The AAPA discloses the remote site being a manufacturing facility **(page 2 lines 8-10 show a manufacturing environment for testing).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the combined teachings of Chan and Raj, as taught by the AAPA, since stated on page 2, lines 12, that such a modification supports various diagnostic testing which is to be performed.

Regarding Claim 11, Chan discloses wherein the remote site is a customers site **(col 5, lines 39-32, a DTE connection exists at the remote site)**, where it would have been obvious to one of the ordinary skill in the art at the time of the invention that the DTE is capable of being part of a customer site.

Regarding Claim 12, Chan discloses wherein the remote site is a customer server **(col 5, lines 66-67, where the SUT comprises user or network equipment, where a server falls within that category)**.

Regarding Claim 14, The combined teachings of Chan and Raj do not specifically disclose wherein the VLAN is private.

The applicants admitted prior art discloses wherein the VLAN is private (page 3 lines 1-5).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the combined teachings of Chan and Raj, as taught by the AAPA, since stated on page 2, lines 12, that such a modification supports various diagnostic testing which is to be performed.

Regarding claim 15, Chan discloses a first VLAN **(see Col 4 line 62, which shows that the connection between local and remote sites supports a virtual connection, where the local site and virtual connection associated with it is equivalent to a first VLAN)** capable **(Note: it has been held that the recitation that an element is capable of performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense)** switch **(fig 8, 25, where within the local site exists a switch and also fig 1, 31 and 23, where Col. 5 lines 23-30 indicate that the interface acts as a**

switch to the packet network. Also the relay portion 31 is equivalent to a switch) located at a local site **(fig 8, 25, see switch, where each site has a switch or terminal Col 4 lines 55-60, switching network)**

a plurality of uniquely identified system under test **(fig 8, where remote site 3 has a plurality of SUT's and the local site has a plurality of isdn interfaces, which are replicas of the SUT's)** located at the local site **(fig 1, where element 29 is capable of being the tester and the SUT, and is a replica of the SUT shown at the remote site in element 30, and the abstract specifically states that the test access interface is connected to an SUT or tester, where a remote site is capable of performing the testing and the local site is capable of receiving the testing)** and connected to the first VLAN capable switch **(fig 1, where 29 and 31 are connected, 29 being the SUT and 31 being the switch)**

a second VLAN **(see Col 4 line 62, which shows that the connection between local and remote sites supports a virtual connection, where the remote site and virtual connection associated with it is equivalent to a first VLAN)** capable **(Note: it has been held that the recitation that an element is capable of performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense)** switch **(fig 1, 24 and 32, where Col. 5 lines 23-30 indicate that the interface acts as a switch to the packet network)** located at a remote site **(fig 1, see 26 note remote site)**;

a plurality of customer sites connected to the remote site **(Col 6 lines 5-7, where ISDN user devise that are connected to the remote site are equivalent to a customer sites, however they are not specifically shown within the diagram).**

a connection between the first VLAN capable switch and the second VLAN capable switch **(where fig 1 shows the connection of the switches 24 and 31 via packet network)**

such that the plurality of SUT's **(fig 8, 46 and 47)** are tested and software is configured **(Col 10 lines 15-17, software is configured)** while operating together on the VLAN **(both SUT's are connected to the local site via a virtual connection as disclosed within Col 4 line 62).**

Chan does not specifically disclose such that the plurality of SUT's and the plurality of customer sites are dynamically connected to or disconnected from a VLAN and a local burn rack located at the local site for receiving the plurality of SUT's.

Raj discloses such that the plurality of SUTs **(fig 11, 200 A and B)** and the plurality of customer sites **(110A and B)** are dynamically **(figs 7-11 and Col 6 lines 66-67 show a number of different configurations that may be employed fro the connection/disconnection. The number of configurations indicate that the connection may vary, and is thus dynamic depending on a designers choice)** connected to and disconnected from a VLAN **(fig 12, depicts two switches under test, connected as 200A and 200B, where these two switches form virtual connections, where one skilled in the art can appreciate two switches coming together to form a virtual LAN).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the test access system configuration of Chan, as taught by Raj, since stated in the abstract, that such a modification is used to assist in performing testing across different network topology

The combined teachings of Chan and Raj do not specifically disclose a local burn rack located at the local site for receiving the plurality of SUT's.

The AAPA discloses a local burn rack located at the local site **(see Chan for local site)** for receiving the plurality of SUT's **(page 2, lines 7-13, which discusses a burn rack for testing, where the SUT is disposed within).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the combined teachings of Chan and Raj, as taught by the AAPA, since stated on page 2, lines 12, that such a modification supports various diagnostic testing which is to be performed.

Regarding claim 16, Chan discloses wherein the plurality of customer sites is connected to the remote site by an Internet connection there between **(fig 8, 22, shows a packet network equivalent to an internet connection).**

Regarding Claim 17, The combined teachings of Chan and Raj do not specifically disclose the local site being a manufacturing facility.

The AAPA discloses the local site being a manufacturing facility **(page 2 lines 8-10 show a manufacturing environment for testing).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the combined teachings of Chan and Raj, as taught by the AAPA, since stated on page 2, lines 12, that such a modification supports various diagnostic testing which is to be performed.

Regarding Claim 18, The combined teachings of Chan and Raj do not specifically disclose the remote site being a manufacturing facility.

The AAPA discloses the remote site being a manufacturing facility **(page 2 lines 8-10 show a manufacturing environment for testing).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the combined teachings of Chan and Raj, as taught by the AAPA, since stated on page 2, lines 12, that such a modification supports various diagnostic testing which is to be performed.

Regarding Claim 19, Chan discloses wherein the plurality of customer sites includes customer's servers **(col 5, lines 66-67, where the SUT comprises user or network equipment, where a server falls within that category)**.

Regarding claim 21, Chan discloses a first VLAN **(see Col 4 line 62, which shows that the connection between local and remote sites supports a virtual connection, where the local site and virtual connection associated with it is equivalent to a first VLAN)** capable **(Note: it has been held that the recitation that an element is capable of performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense)** switch **(fig 8, 25, where within the local site exists a switch and also fig 1, 31 and 23, where Col. 5 lines 23-30 indicate that the interface acts as a switch to the packet network. Also the relay portion 31 is equivalent to a switch)** located at a local site **(fig 8, 25, see switch, where each site has a switch or terminal Col 4 lines 55-60, switching network)**

a plurality of uniquely identified system under test **(fig 8, where remote site 3 has a plurality of SUT's and the local site has a plurality of isdn interfaces, which are replicas of the SUT's)** located at the local site **(fig 1, where element 29 is capable of being the tester and**

the SUT, and is a replica of the SUT shown at the remote site in element 30, and the abstract specifically states that the test access interface is connected to an SUT or tester, where a remote site is capable of performing the testing and the local site is capable of receiving the testing) and connected to the first VLAN capable switch **(fig 1, where 29 and 31 are connected, 29 being the SUT and 31 being the switch)**

a second VLAN **(see Col 4 line 62, which shows that the connection between local and remote sites supports a virtual connection, where the remote site and virtual connection associated with it is equivalent to a first VLAN)** capable **(Note: it has been held that the recitation that an element is capable of performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense)** switch **(fig 1, 24 and 32, where Col. 5 lines 23-30 indicate that the interface acts as a switch to the packet network)** located at a remote site **(fig 1, see 26 note remote site)**;

a plurality of customer sites connected to the remote site **(Col 6 lines 5-7, where ISDN user devise that are connected to the remote site are equivalent to a customer sites, however they are not specifically shown within the diagram).**

a connection between the first VLAN capable switch and the second VLAN capable switch **(where fig 1 shows the connection of the switches 24 and 31 via packet network)**

such that the plurality of SUT's (fig 8, 46 and 47) are tested and software is configured **(Col 10 lines 15-17, software is configured)** while operating together on the VLAN **(both SUT's are connected to the local site via a virtual connection as disclosed within Col 4 line 62).**

Chan does not specifically disclose such that the plurality of SUT's and the plurality of customer sites are dynamically connected to or disconnected from a VLAN and a local burn rack located at the local site for receiving the plurality of SUT's and using information from a customer site to configure the plurality of SUT's.

Raj discloses such that the plurality of SUTs **(fig 11, 200 A and B)** and the plurality of customer sites **(110A and B)** are dynamically **(figs 7-11 and Col 6 lines 66-67 show a number of different configurations that may be employed fro the connection/disconnection. The number of configurations indicate that the connection may vary, and is thus dynamic depending on a designers choice)** connected to and disconnected from a VLAN **(fig 12, depicts two switches under test, connected as 200A and 200B, where these two switches form virtual connections, where one skilled in the art can appreciate two switches coming together to form a virtual LAN).**

using information from a customer site to configure the plurality of SUT's **(Col 7 lines 43-45, where the workstations 100/customer sites use pinging messages which are equivalent to information, in order to initiate testing).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the test access system configuration of Chan, as taught by Raj, since stated in the abstract, that such a modification is used to assist in performing testing across different network topology

The combined teachings of Chan and Raj do not specifically disclose a local burn rack located at the local site for receiving the plurality of SUT's.

The AAPA discloses a local burn rack located at the local site **(see Chan for local site)** for receiving the plurality of SUT's **(page 2, lines 7-13, which discusses a burn rack for testing, where the SUT is disposed within).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the combined teachings of Chan and Raj, as taught by the AAPA, since stated on page 2, lines 12, that such a modification supports various diagnostic testing which is to be performed.

Regarding claim 22, Chan discloses a first VLAN **(see Col 4 line 62, which shows that the connection between local and remote sites supports a virtual connection, where the local site and virtual connection associated with it is equivalent to a first VLAN)** capable **(Note: it has been held that the recitation that an element is capable of performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense)** switch **(fig 8, 25, where within the local site exists a switch and also fig 1, 31 and 23, where Col. 5 lines 23-30 indicate that the interface acts as a switch to the packet network. Also the relay portion 31 is equivalent to a switch)** located at a local site **(fig 8, 25, see switch, where each site has a switch or terminal Col 4 lines 55-60, switching network)**

a plurality of uniquely identified system under test **(fig 8, where remote site 3 has a plurality of SUT's and the local site has a plurality of isdn interfaces, which are replicas of the SUT's)** located at the local site **(fig 1, where element 29 is capable of being the tester and the SUT, and is a replica of the SUT shown at the remote site in element 30, and the abstract specifically states that the test access interface is connected to an SUT or tester,**

where a remote site is capable of performing the testing and the local site is capable of receiving the testing) and connected to the first VLAN capable switch **(fig 1, where 29 and 31 are connected, 29 being the SUT and 31 being the switch)**

a second VLAN **(see Col 4 line 62, which shows that the connection between local and remote sites supports a virtual connection, where the remote site and virtual connection associated with it is equivalent to a first VLAN)** capable **(Note: it has been held that the recitation that an element is capable of performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense)** switch **(fig 1, 24 and 32, where Col. 5 lines 23-30 indicate that the interface acts as a switch to the packet network)** located at a remote site **(fig 1, see 26 note remote site)**;

a plurality of customer sites connected to the remote site **(Col 6 lines 5-7, where ISDN user devise that are connected to the remote site are equivalent to a customer sites, however they are not specifically shown within the diagram).**

a connection between the first VLAN capable switch and the second VLAN capable switch **(where fig 1 shows the connection of the switches 24 and 31 via packet network)**

such that the plurality of SUT's (fig 8, 46 and 47) are tested and software is configured **(Col 10 lines 15-17, software is configured)** while operating together on the VLAN **(both SUT's are connected to the local site via a virtual connection as disclosed within Col 4 line 62).**

Chan does not specifically disclose such that the plurality of SUT's and the plurality of customer sites are dynamically connected to or disconnected from a VLAN and a local burn rack

located at the local site for receiving the plurality of SUT's and using information from a plurality of customer sites to configure the plurality of SUT's.

Raj discloses such that the plurality of SUTs **(fig 11, 200 A and B)** and the plurality of customer sites **(110A and B)** are dynamically **(figs 7-11 and Col 6 lines 66-67 show a number of different configurations that may be employed fro the connection/disconnection. The number of configurations indicate that the connection may vary, and is thus dynamic depending on a designers choice)** connected to and disconnected from a VLAN **(fig 12, depicts two switches under test, connected as 200A and 200B, where these two switches form virtual connections, where one skilled in the art can appreciate two switches coming together to form a virtual LAN).**

using information from a plurality of customer sites to configure the plurality of SUT's **(Col 7 lines 43-45, where the workstations 100/110 customer sites use pinging messages which are equivalent to information, in order to initiate testing, where from fig 11, 110A and 110B which make up a plurality of workstations/customer sites, is capable of sending this information, where the information is specified within Col 4 lines 1-20).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the test access system configuration of Chan, as taught by Raj, since stated in the abstract, that such a modification is used to assist in performing testing across different network topology

The combined teachings of Chan and Raj do not specifically disclose a local burn rack located at the local site for receiving the plurality of SUT's.

The AAPA discloses a local burn rack located at the local site **(see Chan for local site)** for receiving the plurality of SUT's **(page 2, lines 7-13, which discusses a burn rack for testing, where the SUT is disposed within).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the combined teachings of Chan and Raj, as taught by the AAPA, since stated on page 2, lines 12, that such a modification supports various diagnostic testing which is to be performed.

Regarding claim 23, Chan discloses a first VLAN **(see Col 4 line 62, which shows that the connection between local and remote sites supports a virtual connection, where the local site and virtual connection associated with it is equivalent to a first VLAN)** capable **(Note: it has been held that the recitation that an element is capable of performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense)** switch **(fig 8, 25, where within the local site exists a switch and also fig 1, 31 and 23, where Col. 5 lines 23-30 indicate that the interface acts as a switch to the packet network. Also the relay portion 31 is equivalent to a switch)** located at a local site **(fig 8, 25, see switch, where each site has a switch or terminal Col 4 lines 55-60, switching network)**

a plurality of uniquely identified system under test **(fig 8, where remote site 3 has a plurality of SUT's and the local site has a plurality of isdn interfaces, which are replicas of the SUT's)** located at the local site **(fig 1, where element 29 is capable of being the tester and the SUT, and is a replica of the SUT shown at the remote site in element 30, and the abstract specifically states that the test access interface is connected to an SUT or tester,**

where a remote site is capable of performing the testing and the local site is capable of receiving the testing) and connected to the first VLAN capable switch **(fig 1, where 29 and 31 are connected, 29 being the SUT and 31 being the switch)**

a second VLAN **(see Col 4 line 62, which shows that the connection between local and remote sites supports a virtual connection, where the remote site and virtual connection associated with it is equivalent to a first VLAN)** capable **(Note: it has been held that the recitation that an element is capable of performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense)** switch **(fig 1, 24 and 32, where Col. 5 lines 23-30 indicate that the interface acts as a switch to the packet network)** located at a remote site **(fig 1, see 26 note remote site)**;

a customer site connected to the remote site **(Col 6 lines 5-7, where ISDN user device that are connected to the remote site are equivalent to a customer sites, however they are not specifically shown within the diagram).**

a connection between the first VLAN capable switch and the second VLAN capable switch **(where fig 1 shows the connection of the switches 24 and 31 via packet network)**

such that the plurality of SUT's **(fig 8, 46 and 47)** are tested and software is configured **(Col 10 lines 15-17, software is configured)** while operating together on the VLAN **(both SUT's are connected to the local site via a virtual connection as disclosed within Col 4 line 62).**

Chan does not specifically disclose such that the plurality of SUT's and the customer site are dynamically connected to or disconnected from a VLAN and a local burn rack located at the local site for receiving the plurality of SUT's.

Raj discloses such that the plurality of SUTs **(fig 11, 200 A and B)** and the customer site **(110A or B)** are dynamically **(figs 7-11 and Col 6 lines 66-67 show a number of different configurations that may be employed fro the connection/disconnection. The number of configurations indicate that the connection may vary, and is thus dynamic depending on a designers choice)** connected to and disconnected from a VLAN **(fig 12, depicts two switches under test, connected as 200A and 200B, where these two switches form virtual connections, where one skilled in the art can appreciate two switches coming together to form a virtual LAN).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the test access system configuration of Chan, as taught by Raj, since stated in the abstract, that such a modification is used to assist in performing testing across different network topology

The combined teachings of Chan and Raj do not specifically disclose a local burn rack located at the local site for receiving the plurality of SUT's.

The AAPA discloses a local burn rack located at the local site **(see Chan for local site)** for receiving the plurality of SUT's **(page 2, lines 7-13, which discusses a burn rack for testing, where the SUT is disposed within).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the combined teachings of Chan and Raj, as taught by the

AAPA, since stated on page 2, lines 12, that such a modification supports various diagnostic testing which is to be performed.

Regarding claim 24, Chan discloses wherein the customer site is connected to the remote site by a router **(see fig 8, 25, where the switch is equivalent to a router).**

Regarding Claim 25, The combined teachings of Chan and Raj do not specifically disclose the local site being a manufacturing facility.

The AAPA discloses the local site being a manufacturing facility **(page 2 lines 8-10 show a manufacturing environment for testing).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the combined teachings of Chan and Raj, as taught by the AAPA, since stated on page 2, lines 12, that such a modification supports various diagnostic testing which is to be performed.

Regarding Claim 26, The combined teachings of Chan and Raj do not specifically disclose the remote site being a manufacturing facility.

The AAPA discloses the remote site being a manufacturing facility **(page 2 lines 8-10 show a manufacturing environment for testing).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the combined teachings of Chan and Raj, as taught by the AAPA, since stated on page 2, lines 12, that such a modification supports various diagnostic testing which is to be performed.

Regarding Claim 27, Chan discloses wherein the customer's site is a customer server **(col 5, lines 66-67, where the SUT comprises user or network equipment, where a server falls within that category)**.

Regarding claim 28, Chan discloses wherein the customer site includes configuration information **(claim 1, (d), where protocol test messages are communicated between customer site and other devices).**

Regarding claim 30, Chan discloses a first VLAN **(see Col 4 line 62, which shows that the connection between local and remote sites supports a virtual connection, where the local site and virtual connection associated with it is equivalent to a first VLAN)** capable **(Note: it has been held that the recitation that an element is capable of performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense)** switch **(fig 8, 25, where within the local site exists a switch and also fig 1, 31 and 23, where Col. 5 lines 23-30 indicate that the interface acts as a switch to the packet network. Also the relay portion 31 is equivalent to a switch)** located at a local site **(fig 8, 25, see switch, where each site has a switch or terminal Col 4 lines 55-60, switching network)**

a plurality of uniquely identified system under test **(fig 8, where remote site 3 has a plurality of SUT's and the local site has a plurality of isdn interfaces, which are replicas of the SUT's)** located at the local site **(fig 1, where element 29 is capable of being the tester and the SUT, and is a replica of the SUT shown at the remote site in element 30, and the abstract specifically states that the test access interface is connected to an SUT or tester, where a remote site is capable of performing the testing and the local site is capable of**

receiving the testing) and connected to the first VLAN capable switch **(fig 1, where 29 and 31 are connected, 29 being the SUT and 31 being the switch)**

a second VLAN **(see Col 4 line 62, which shows that the connection between local and remote sites supports a virtual connection, where the remote site and virtual connection associated with it is equivalent to a first VLAN)** capable **(Note: it has been held that the recitation that an element is capable of performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense)** switch **(fig 1, 24 and 32, where Col. 5 lines 23-30 indicate that the interface acts as a switch to the packet network)** located at a remote site **(fig 1, see 26 note remote site)**;

a customer site connected to the remote site **(Col 6 lines 5-7, where ISDN user devise that are connected to the remote site are equivalent to a customer sites, however they are not specifically shown within the diagram).**

a connection between the first VLAN capable switch and the second VLAN capable switch **(where fig 1 shows the connection of the switches 24 and 31 via packet network)**

such that the plurality of SUT's (fig 8, 46 and 47) are tested and software is configured **(Col 10 lines 15-17, software is configured)** while operating together on the VLAN **(both SUT's are connected to the local site via a virtual connection as disclosed within Col 4 line 62).**

Chan does not specifically disclose such that the plurality of SUT's and the plurality of customer sites are dynamically connected to or disconnected from a VLAN and a local burn rack

located at the local site for receiving the plurality of SUT's and using information from a customer site to configure the plurality of SUT's.

Raj discloses such that the plurality of SUTs **(fig 11, 200 A and B)** and the plurality of customer sites **(110A and B)** are dynamically **(figs 7-11 and Col 6 lines 66-67 show a number of different configurations that may be employed fro the connection/disconnection. The number of configurations indicate that the connection may vary, and is thus dynamic depending on a designers choice)** connected to and disconnected from a VLAN **(fig 12, depicts two switches under test, connected as 200A and 200B, where these two switches form virtual connections, where one skilled in the art can appreciate two switches coming together to form a virtual LAN).**

using information from a customer site to configure the plurality of SUT's **(Col 7 lines 43-45, where the workstations 100/customer sites use pinging messages which are equivalent to information, in order to initiate testing).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the test access system configuration of Chan, as taught by Raj, since stated in the abstract, that such a modification is used to assist in performing testing across different network topology

The combined teachings of Chan and Raj do not specifically disclose a local burn rack located at the local site for receiving the plurality of SUT's.

The AAPA discloses a local burn rack located at the local site **(see Chan for local site)** for receiving the plurality of SUT's **(page 2, lines 7-13, which discusses a burn rack for testing, where the SUT is disposed within).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the combined teachings of Chan and Raj, as taught by the AAPA, since stated on page 2, lines 12, that such a modification supports various diagnostic testing which is to be performed.

Regarding Claim 31, Chan discloses providing a first VLAN **(see Col 4 line 62, which shows that the connection between local and remote sites supports a virtual connection, where the local site and virtual connection associated with it is equivalent to a first VLAN)** capable **(Note: it has been held that the recitation that an element is capable of performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense)** switch **(fig 8, 25, where within the local site exists a switch and also fig 1, 31 and 23, where Col. 5 lines 23-30 indicate that the interface acts as a switch to the packet network. Also the relay portion 31 is equivalent to a switch)** located at a local site **(fig 8, 25, see switch, where each site has a switch or terminal Col 4 lines 55-60, switching network)**

Locating a first uniquely identified system under test **(fig 1, 29)** located at the local site **(fig 1, where element 29 is capable of being the tester and the SUT, and is a replica of the SUT shown at the remote site in element 30, and the abstract specifically states that the test access interface is connected to an SUT or tester, where a remote site is capable of performing the testing and the local site is capable of receiving the testing)** and connected to the first VLAN capable switch **(fig 1, where 29 and 31 are connected, 29 being the SUT and 31 being the switch)**

Providing a second VLAN **(see Col 4 line 62, which shows that the connection between local and remote sites supports a virtual connection, where the remote site and virtual connection associated with it is equivalent to a first VLAN)** capable **(Note: it has been held that the recitation that an element is capable of performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense)** switch **(fig 1, 24 and 32, where Col. 5 lines 23-30 indicate that the interface acts as a switch to the packet network)** located at a remote site **(fig 1, see 26 note remote site)**;

Locating a second uniquely identified SUT **(fig 1, see SUT at remote site)** located at the remote site **(fig 8, see SUT's in 2nd and 3rd remote site)** and connected to the second VLAN capable switch **(fig 1, where the SUT 35 is connected to the switch 24/32)**.

such that the first and second SUT's (fig 8, 46 and 47) are tested and software is configured **(Col 10 lines 15-17, software is configured)** while operating together on the VLAN **(both SUT's are connected to the local site via a virtual connection as disclosed within Col 4 line 62).**

Chan does not specifically disclose such that the first and second SUT's are dynamically connected to and disconnected from a VLAN and locating a local burn rack at the local site for receiving the SUT's.

Raj discloses such that the first and second SUTs (200A and 200B in the figs) are dynamically **(figs 7-11 and Col 6 lines 66-67 show a number of different configurations that may be employed fro the connection/disconnection. The number of configurations indicate that the connection may vary, and is thus dynamic depending on a designers choice)**

connected to and disconnected from a VLAN **(fig 12, depicts two switches under test, connected as 200A and 200B, where these two switches form virtual connections, where one skilled in the art can appreciate two switches coming together to form a virtual LAN).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the test access system configuration of Chan, as taught by Raj, since stated in the abstract, that such a modification is used to assist in performing testing across different network topology

The combined teachings of Chan and Raj do not specifically disclose locating a local burn rack at the local site for receiving the plurality of SUT's.

The AAPA discloses locating a local burn rack at the local site **(see Chan for local site)** for receiving a plurality of SUT's **(page 2, lines 7-13, which discusses a burn rack for testing, where the SUT is disposed within).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the combined teachings of Chan and Raj, as taught by the AAPA, since stated on page 2, lines 12, that such a modification supports various diagnostic testing which is to be performed.

Response to Arguments

Applicant's arguments with respect to claims currently pending in the instant application have been considered but are moot in view of the new ground(s) of rejection.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER P. GREY whose telephone number is (571)272-3160. The examiner can normally be reached on 10AM-7:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Moe Aung can be reached on (571)272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Supervisory Patent Examiner, Art Unit 2616

/Christopher P Grey/
Examiner, Art Unit 2616